

Honorable Richard Jones

WILLIAM RUTZICK WSBA #11533
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOLA and MICHAEL BOUCHARD, wife
and husband

Plaintiffs,

v.

CBS CORPORATION, et al.,

Defendants.

No. 2:11-cv-00458RAJ

DECLARATION OF WILLIAM
RUTZICK IN SUPPORT OF
PLAINTIFFS' MOTION TO REMAND

The undersigned declares under penalty of perjury under the laws of the State of Washington as follows:

1. I am one of the attorneys representing the Plaintiffs in the above entitled action and competent to make the following statements:

2. Attached hereto as Exhibit 1 is a true and correct copy of Defendant Lockheed Shipbuilding Company's Answer to Supplemental Complaint for Personal Injury in this matter.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from Defendant Lockheed Shipbuilding Company's First Set of Interrogatories and Requests for Production to Plaintiffs and Answers Thereto in this matter.

1 4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the
2 deposition of Martin Lewis Ingwersen in Kinsman v. Foster-Wheeler Energy Corporation, et
3 al., Superior Court of King County, Washington, Cause No. 01-2-09967-1SEA, taken August
4 27, 2001.

5 5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the
6 deposition of Michael Ray Harris in Arnold v. Saberhagen Holdings, Inc., et al., Superior
7 Court of Pierce County, Washington, Cause No. 08-2-11077-5, taken December 2, 2008.

8 6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the
9 deposition of Carl Mangold in Kinsman v. Foster-Wheeler Energy Corporation, et al., in
10 Superior Court of King County, Washington, Cause No. 01-2-09967-1SEA, taken October
11 16, 2001.

12 7. Attached hereto as Exhibit 6 is a true and correct copy of a certified copy of
13 Order in Ireton v. Kaiser Ventures LLC, et al., Cause No. C03-2840RBL in the United States
14 District Court Western District of Washington, dated December 3, 2003.

15 8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of Title 41
16 – Public Contracts and Property Management from the Federal Register, Vol. 34, No. 96 –
17 Tuesday, May 20, 1969.

18 9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of Title 29
19 – Labor from the Federal Register, Vol. 36, No. 105 – Saturday, May 29, 1971.

20 10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of Title 29
21 – Labor from the Federal Register, Vol. 37, No. 110 – Wednesday, June 7, 1972.

22 11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of Title 20
23 – Labor from the Federal Register, Vol. 36, No. 234 – Tuesday, December 7, 1971.

1 12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the
2 Affidavit of Samuel A. Forman, M.D. dated January 15, 2009 from Morgan v. AGCO
3 Corpoation, et al., Superior Court of King County, Washington Cause No. 07-2-28464-8
4 SEA.

5 13. Attached hereto as Exhibit 12 is a true and correct copy of correspondence
6 from Supervisor of Shipbuilding, USN, to Lockheed Shipbuilding & Construction Co.,
7 Seattle, dated May 12, 1969 regarding Shipyard Practices in Combating the Hazards
8 Attending the Use of Insulating Materials.

9 14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of
10 documents produced by defendant Lockheed in Kinsman V. Foster-Wheeler Energy Corp., et
11 al., King County Cause No. 01-2-09967-1SEA on September 6, 2001, numbered SEA-
12 90842-0003 to 0010.

13 15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the
14 deposition Robert Barnes taken on March 16, 2011 in this matter.

15 16. Attached hereto as Exhibit 15 is a true and correct copy of Westbrook v.
16 Asbestos Defendants (BHC), No. C-0101661 VRW, 2001 WL 902642 (N.D.Cal.)(July 31,
17 2001).

18 17. Attached hereto as Exhibit 16 is a true and correct copy of Zink v. Rapid-
19 American Corporation, et al., U.S.Dist.Ct., Cause No. C99-0964L (W. Wash. 1999).

20 18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts of the
21 deposition of David Ludden, taken on February 22, 2011 in this matter.

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1 I declare under penalty of perjury under the laws of the state of Washington that the
2 foregoing is true and correct.

3 DATED at Seattle, Washington, this 24th day of March, 2011.
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6 s/ William Rutzick
7 WILLIAM RUTZICK, WSBA #11533
8 Counsel for Plaintiffs
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CERTIFICATE OF SERVICE

I hereby certify that on **March 24, 2011**, I electronically filed the foregoing Declaration of William Rutzick in Support of Plaintiffs' Motion to Remand with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

| | |
|---|--|
| Counsel for CSK Auto Stephen Leatham HEURLIN & POTTER 211 East McLoughlin Blvd., Suite 100 Vancouver, WA 98666-0611 | Counsel for Todd Shipyards KARR TUTTLE CAMPBELL Walter Barton Gene Barton 1201 Third Avenue, Suite 2900 Seattle, Washington 98101-3028 |
| Counsel for General Refractories Co. Mathew Turetsky Schwabe Williamson & Wyatt, PC 1420 Fifth Avenue, Suite 3010 Seattle, WA 98101-2393 | Counsel for Georgia Pacific Barry Mesher/Brian Zeringer/Bruce Hamlin LANE POWELL PC 1420 Fifth Avenue, Suite 4100 Seattle, Washington 98101-2338 |
| Counsel for Metropolitan Life Insurance Co. Richard Gawlowski WILSON, SMITH, COCHRAN & DICKERSON 1215 Fourth Avenue, Suite 1700 Seattle, Washington 98161-1007 | Counsel for J.T. Thorpe & Son, Inc.; Metalclad Insulation Corp Katherine M. Steele STAFFORD FREY COOPER, PC 3100 Two Union Square 601 Union Street Seattle, WA 98101 |
| Counsel for Union Carbide; Saint Gobain Containers Inc Diane Kero GORDON, THOMAS, HONEYWELL, MALANCA, PETERSON & DAHEIM 600 University Street, Suite 2101 Seattle, Washington 98101 | Counsel for Saberhagen Holdings, Inc. Randy Aliment /Timothy Thorson CARNEY, BADLEY, SMITH & SPELLMAN 701 Fifth Avenue, Suite 3600 Seattle, Washington 98104-7010 |
| Counsel for Foster-Wheeler Energy Corp.; Hopeman Brothers, Inc. Dirk Bernhardt MURRAY, DUNHAM & MURRAY 200 West Thomas, Suite 350 Seattle, WA 98119 | Counsel for International Paper Co. Steve Rizzo RIZZO MATTINGLY BOSWORTH, PC 411 SW 2nd Avenue, Suite 200 Portland, Oregon 97204 |

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I further certify that I served the foregoing on attorney of record for E & E Lumber, Inc. a Washington Corporation by having said copies sent via legal messenger, electronic mail, U.S. Mail and/or Federal Express to the office addresses below to the office address below:

Counsel for E & E Lumber, Inc. a
Washington Corporation
Ronald G. Housh, P.S.
Seattle Office:
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